

Chapter 11-4 Airport

Last Updated Friday, 03 March 2006

Boulder Revised Code, 1981

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Adopted by Ordinance No. 4695. Derived from Ordinance Nos. 2771, 3763, 4283. 11-4-1 Legislative Intent.

The purpose of this chapter is to protect the public health, safety, and welfare by providing procedures for the operation of the municipal airport and standards to regulate fixed-base operators conducting business at the airport. It is also the city council's intention that the standards and regulations provided in this chapter and any lease agreements executed hereunder be subordinate to existing or future agreements between the city and the Federal Aviation Administration (FAA) or any other agency of the United States.

11-4-2 Fixed-Base Operators, Activities, and Responsibilities.

(a) A fixed-base operator is a person providing one or more of the following services on, or connected with, the property of the Boulder Municipal Airport:

- (1) Transporting passengers by aircraft for hire;
 - (2) Providing flight instruction for hire;
 - (3) Transporting parcels or freight for hire;
 - (4) Towing gliders for hire;
 - (5) Renting aircraft;
 - (6) Renting hangar space for storage of aircraft;
 - (7) Servicing, repairing, rebuilding, or remodeling aircraft for hire;
 - (8) Selling gasoline or other aviation fluid products;
 - (9) Selling aircraft, aircraft parts, or other aircraft accessories; or
 - (10) Engaging in other commercial activities or services connected with or related to aviation or other aeronautical activities.
- (b) No person shall engage in one or more activities of a fixed-base operator at the Boulder Municipal Airport unless such person:
- (1) Executes a lease with the city;
 - (2) Agrees to pay a minimum monthly rent, a percentage of gross income, or a combination thereof in an amount to be determined by agreement with the city;
 - (3) Agrees to provide sufficient and appropriate liability insurance subject to approval of the city manager; and
 - (4) Keeps true and accurate records of the operation that are available for inspection and examination by the city during ordinary business hours.
- (c) Subject to approval by the city manager² and the FAA, a fixed-base operator may provide one or more of the services prescribed by subsection (a) of this section, which shall be set forth specifically in the lease. Two or more fixed-base operators may not combine or offer from the same building any of the services of a fixed-base operator without first obtaining approval therefor from the manager and prescribing those activities in each respective lease.
- (d) The city manager is authorized to supervise and control the operation of each fixed-base operator at the airport, consistent with regulations and requirements of the FAA.

²Leases for three years or more must be approved by the city council, Subsection 2-2-8(a), B.R.C. 1981.

11-4-3 Aircraft Permitted at Airport.

(a) No person shall operate a device at the Boulder Municipal Airport or take off from or land at the airport unless such

device is an aircraft.

(b) For purposes of this section, an aircraft does not include motorized hang gliders or "ultra light" vehicles, balloons, kites, or unmanned rockets.

11-4-4 Special Airport Activity Permits.

(a) No person shall conduct any activity at the Boulder Municipal Airport, other than through a lease as provided in Section 11-4-2, "Fixed-Base Operators, Activities, and Responsibilities," B.R.C. 1981, without first obtaining a permit therefor from the city manager under this section.

(b) A non-profit organization may apply to the city manager for a one day permit to conduct a special activity or exhibition relating to airport or aircraft activity at the Boulder Municipal Airport, by filing an application at least one week before the activity, paying a deposit of \$25.00, and providing evidence of insurance coverage as prescribed by Subsection 4-1-8(b), B.R.C. 1981.

(c) Before issuing a permit under this section, the city manager shall consult with the city police department and environmental protection and transportation divisions to determine whether the permit meets the requirements of this code and other ordinances of the city. The manager shall issue such permit upon a finding that in view of the type of activity and hours of operation, the activity complies with all ordinances of the city and would not constitute an obstruction of public property or a public health or safety hazard. The manager may impose reasonable conditions in the permit to assure the use of public property and protect the public health, safety, and welfare.

(d) The permittee is responsible for any damage to public property and for the cost of city police, fire, environmental protection, or cleaning services provided at the activity.

11-4-5 Airport Construction Standards.

(a) All buildings, hangars, structures, or other improvements placed on the grounds connected with the Boulder Municipal Airport shall comply with the city building and zoning codes¹ and with all other applicable provisions of this code and other ordinances of the city. Before constructing or placing any building, hangar, structure, or other improvement on the airport grounds, the plans and specifications for any such structure shall be submitted to, and approved by, the city manager.

(b) All buildings, hangars, structures, or other improvements placed on the grounds connected with the Boulder Municipal Airport shall be subject to a lease with the city and comply with all requirements of the United States Aviation Agency or any other federal agency or board having jurisdiction over the airport.

¹ Chapters 10-5, "Building Code," 10-6, "Electrical Code," 10-7, "Energy Conservation and Insulation Code," 10-8, "Fire Code," 10-9, "Mechanical Code," and 10-10, "Plumbing Code," and Title 9, "Land Use Regulation," B.R.C. 1981. (Ordinance No. 4803 (1984)).

11-4-6 Requirements for Air Carriers.

(a) No person shall operate an air carrier or regularly scheduled air taxi service from the Boulder Municipal Airport or use any facilities of the airport while operating such a carrier or service unless the carrier or service complies with the following conditions:

(1) An air carrier pays for each landing at the airport the fee prescribed in Section 4-20-22, "Air Carrier Landing Fee," B.R.C. 1981. Fee payment shall be on such schedule as the city manager by regulation may prescribe.

(2) Each air carrier or air taxi service has insurance coverage meeting the current minimum requirements of the Civil Aeronautics Board, but in no event less than public liability insurance with minimum limits of \$150,000.00 for any one person and \$600,000.00 for any one accident and public property damage insurance with a minimum limit of \$100,000.00 for any one accident.

(b) Each air carrier or air taxi service using the Boulder Municipal Airport shall file with the city manager a certificate signed by a qualified agent of an insurance company evidencing the existence of valid and effective policies of public liability and damage insurance required by paragraph (a)(2) of this section, the limits of each policy, the policy number, the name of the insurer, the effective date and expiration date of each policy, and a copy of the endorsement placed on each policy requiring ten days' notice by mail to the manager before the insurer may cancel the policy for any reason.

(c) Nothing in this section applies to aircraft belonging to or operated by any federal, state, or local government at the Boulder Municipal Airport.

Ordinance No. 5517 (1992).

11-4-7 Hangar and Tie Down Fees.

Airport users shall pay the hangar and tie down fees prescribed in Section 4-20-1, "Airport Fees," B.R.C. 1981.

Ordinance Nos. 5012 (1986); 5425 (1991).

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